

# **EXHIBIT N**

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1 SAP AG, SAP AMERICA, INC., and

2 TOMORROWNOW, INC.

18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA

20 SAN FRANCISCO DIVISION

21 ORACLE CORPORATION, a Delaware  
22 corporation, ORACLE USA, INC., a Colorado  
23 corporation, and ORACLE INTERNATIONAL  
24 CORPORATION, a California corporation,

25 Plaintiffs,

26 v.

27 SAP AG, a German corporation, SAP  
28 AMERICA, INC., a Delaware corporation,  
TOMORROWNOW, INC., a Texas corporation,  
and DOES 1-50, inclusive,

Defendants.

Case No. 07-CV-1658 MJJ

**DEFENDANT TOMORROWNOW,  
INC.'S RESPONSES AND  
OBJECTIONS TO PLAINTIFF  
ORACLE'S 30(B)(6) AMENDED  
NOTICE OF DEPOSITION**

1           **TOPIC NO. 13:**

2           The manner in which Software and Support Materials, or any support product developed  
3           by You, derived by You, or otherwise obtained by You, is maintained, archived, indexed and  
4           transmitted to any Customer, including descriptions of hardware and software Used and where  
5           this hardware or software is physically located.

6           **RESPONSE TO TOPIC NO. 13:**

7           Subject to and without waiving the General Objections, TomorrowNow agrees to produce  
8           a witness on Topic 13.

9           **TOPIC NO. 14:**

10           The use, distribution, transmission or other communication of Software and Support  
11           Materials including without limitation (a) the use, distribution, transmission or other  
12           communication of Software and Support Materials within SAP TN or between SAP TN, SAP  
13           America, and/or SAP AG; (b) the use, distribution, transmission or other communication of  
14           Software and Support Materials into, within, or out of any database or storage device, method, or  
15           application; (c) the use, distribution, transmission or other communication of Software and  
16           Support Materials between You and Your Customers; (d) the hardware and software Used for any  
17           such use, distribution, transmission or other communication identified in this paragraph; and (e)  
18           any “separate systems,” “firewalls,” or other methods or devices that prevent the distribution,  
19           transmission or other communication of Oracle’s Software and Support Materials from You to  
20           SAP AG and SAP America.

21           **RESPONSE TO TOPIC NO. 14:**

22           TomorrowNow objects that this Topic is vague, and that it is unduly burdensome and  
23           overbroad. Subject to and without waiving the foregoing objections and the General Objections,  
24           TomorrowNow agrees to produce a witness on Topic 14.

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6  
7 Dated: October 26, 2007

JONES DAY

8 By:   
9 Tharan Gregory Lanier

10 Counsel for Defendants  
11 SAP AG, SAP AMERICA, INC., and  
12 TOMORROWNOW, INC.

**PROOF OF SERVICE**

I, Jane Louise Froyd, declare:

I am a citizen of the United States and employed in Santa Clara County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 1755 Embarcadero Road, Palo Alto, California 94303. On October 26, 2007, I served a copy of the attached document(s):

**DEFENDANT TOMORROWNOW, INC.'S RESPONSES AND  
OBJECTIONS TO PLAINTIFF ORACLE'S 30(B)(6) AMENDED NOTICE  
OF DEPOSITION**

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Palo Alto, California addressed as set forth below.
- by placing the document(s) listed above in a sealed Federal Express envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a Federal Express agent for delivery.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

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Executed on October 26, 2007, at Palo Alto, California.

1

Jane Louise Froyd  
Jane Louise Froyd

TN'S RESP. & OBJ. TO ORACLE'S 30(B)(6)  
AMENDED NOTICE OF DEPO.  
Case No. 07-CV-1658 MJJ